



Lawrence Gottlieb
Chairman

Christine Essel
Vice Chair

CALIFORNIA WORKFORCE INVESTMENT BOARD Local Area Modification Workgroup

MEETING NOTICE

**California Workforce Investment Board
777 12th Street, Suite 200
Capitol Conference Room
Sacramento, CA 95814**

**Thursday, November 4, 2004
10:00 a.m. – 2:00 p.m.**



Arnold Schwarzenegger
Governor

Paul Gussman
Acting Executive Director

Stated time of meeting conclusion is approximate; meeting may end earlier subject to completion of agenda items and/or approved motion to adjourn.

AGENDA

- 1. Welcome and Introductions – Co-chairs Jan Vogel and Pattie Nunn**
- 2. Overview of the Workgroup and its Purpose**
- 3. Discussion of Local Area Modification Policy – A draft application package for modification requests, that includes recommended policy and process, has been developed for the Workgroup's consideration and discussion.**
- 4. Next Steps**

In order for the Local Area Modification Workgroup to provide an opportunity for interested parties to speak at the public meetings, public comment may be limited. Written comments provided to the California Workforce Investment Board must be made available to the public, in compliance with the Bagley-Keene Open Meeting Act, §11125.1, with copies available for the public in sufficient supply.

Individuals who require accommodations for their disabilities (including interpreters and alternate formats) are requested to contact the California Workforce Investment Board staff at (916) 324-3425 at least five days prior to the meeting. TTY line: (916) 324-6523. Please visit the California Workforce Investment Board website at <http://www.calwia.org> or contact Teresa Gonzales for additional information.



California Workforce Investment Board

Local Area Modification Application Information and Forms Package

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Local Area Modification Application Information and Forms Package

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Local Workforce Investment Area Modification Process

Purpose:

The Local Workforce Investment Area Modification Process was developed to articulate and support policy that enables the California Workforce Investment Board (State Board) and the State administrative entity for the WIA, the Employment Development Department (EDD) to assist the Governor in responding to requests to modify the existing boundaries of designated Local Workforce Investment Areas (Local Areas). The three principal considerations that were applied throughout the development of this process are:

1. To preserve local flexibility and control;
2. To provide the elements necessary for the Governor to receive an objective assessment of any request for the modification of a Local Area(s); and
3. To improve operations and/or services in the Local Areas participating in the request.

Background:

The Workforce Investment Act (WIA) of 1998 provides the Governor with the authority and the responsibility to designate cities, counties, or consortia of cities and/or counties as local areas for delivering WIA services. These areas are known as Local Areas and the original Local Area designations were based on three categories, and the process and considerations, as provided for in the WIA. The three categories were:

(a) *Automatic.*

Any single unit of general local government with a population of 500,000 or more may be automatically designated as a Local Area;

(b) *Temporary.*

- i. Any unit of general local government, including a combination of such units, with a population of 200,000 or more that was a service delivery area under the Job Training Partnership Act (JTPA)...

(a) Performed successfully under JTPA in each of the last two years...

(b) Sustained the fiscal integrity of the JTPA funds allocated to the area.

- ii. Duration and subsequent designation – A temporary designation shall be for a period of not more than 2 years, after which the designation shall be extended until the end of the period covered by the State Plan.

(c) *California Workforce Investment Board (State Board) Recommended.*

The Governor may approve a request from any unit of general local government, including a combination of such units, for designation (including temporary designation) if the State Board determines, and recommends to the Governor, that such area should be so designated.

The WIA required the Governor to determine these designations, as a part of developing California's Strategic 5-Year WIA Plan (Strategic Plan), prior to the July, 2000 implementation of the WIA. *Automatic* Local Areas received their designations for the full life of the Strategic Plan, while *Temporary* and *State Board Recommended* Local Areas received two-year

designations that were reviewed in 2002-03 and, based upon performance, were extended for the life of the Strategic Plan.

Therefore, only a CEO or Local Board can initiate the modification of an existing Local Area by submitting an application. As stated above, the current Local Areas are all approved for the duration of the Strategic Plan.¹ The WIA, however, does not preclude Local Areas from having their current designations modified.

Modification of Existing Local Area Boundaries:

The WIA does not provide any direct guidance on how governors should process and approve or disapprove requests from existing Local Areas to modify their designated boundaries after designations have been made. Modification requests can range from a single city moving from one Local Area into another, to two or more Local Areas merging into a larger one. Any designated Local Area boundary change will result in a change to at least one other designated Local Area's boundaries. Any modification, therefore, no matter how minor, will alter at least two Local Areas' boundaries.

The Governor has the authority to make or change Local Area designations, so the Governor must approve or disapprove all requests for Local Area modifications. The Governor must also consult with the local Chief Elected Officials (CEOs) for the Local Areas involved, and with the State Board before approving or disapproving such requests. In order for the EDD, and the State Board to assist the Governor in making these important decisions, it is necessary for the State to have policy and process in place that will provide the Governor with objective assessments upon which he can base his decisions.

Local Area Modification Request Process:

The Local Workforce Investment Boards (Local Boards) and/or the designated local CEOs of the Local Areas involved in the boundary change always initiate the process. Ideally, all Local Boards and CEOs of the Local Areas affected by the boundary change will reach agreement on the proposed change. Applications are accepted only from Local Boards and/or local CEOs. There are five steps to the process:

1. Development of the Request for Modification

Participating Local Boards/CEOs must initiate the modification request and must:

- Be involved in developing the request;
- Provide signed support for the request, or provide dissenting views if not in agreement; and
- Notify the public of the request and allow sufficient time for public comment.

The modification of Local Area boundaries will affect operations in those Local Areas in important ways, including but not limited to the revision of WIA allocations and performance goals, possible changes to the One-Stop infrastructures, and changes to the composition of

¹ The California WIA 5 year plan is to expire 6/30/2005, however, may be extended to 6/30/06 to allow for the development of a new State Strategic Plan.

the Local Boards. The EDD Regional Advisor(s) assigned to the Local Areas whose boundaries will change as a result of the request are available to the initiating Local Boards/CEOs for technical assistance in developing the request and in completing the application to the Governor. The Regional Advisor(s) can also assist the Local Areas in identifying what those changes may be and how modification will affect each of the involved Local Areas. In general, the Regional Advisors will help the Local Boards/CEOs and the public determine whether the proposed change will result in improved operations and improved services.

2. Submission of the Application to the State Board

When the local process of developing the request for modification is completed, the Local Boards/CEOs will complete the Local Area Modification Application package. Again, the EDD Regional Advisors can be of assistance in completing the application itself and in providing the required documentation. The parties to the area modification request must submit the completed application to the State Board, which will refer it to the EDD for assessment. Overall, the considerations that an application must address are how the proposed change will:

- a. Improve the operations and the services in the participating Local Areas;
- b. Provide greater accessibility to services for customers in the service area(s) affected by the change;
- c. Better align workforce resources;
- d.
- e.

3. Assessment of the Application by the EDD

The State Board will refer applications for Local Area modification to the Workforce Investment Division (WID) in the EDD, which will work with the Local Areas to obtain any missing or incomplete documentation. Fiscal, administrative, and program experts in the EDD will be engaged in the assessment to assist in identifying the effects that the proposed change may have on operations, budget, and services in the Local Areas involved.

Once a completed application is received, the EDD will have 60 days in which to assess it and forward a recommendation for approval or disapproval to the State Board for its next regularly scheduled meeting. The 60-day clock may be stopped if it is necessary for the applicant to provide additional information. The 60-day clock may be reset if the application is too incomplete to continue. Nevertheless, the EDD will make every effort, working with the applicant, to assess the application and forward its recommendation to the Board within the 60-day period.

4. Recommendation from the State Board to the Governor

The State Board will, in public session, review and discuss the application and the assessment and recommendation submitted by the EDD. The public, as well as all interested local parties, will have the opportunity to speak in support of, or opposition to the proposed change. The State Board may re-refer the application to the EDD, if necessary, for further

information or assessment. Once the necessary documentation and public comment is complete, the State Board will take action to recommend approval or disapproval of the application to the Governor.

5. *Reconsideration of the State Board Recommendation*

The State Board has adopted the following procedures in order to allow for a reconsideration of a recommendation to the Governor for the approval, or disapproval, of a Local Area modification request. Parties to the Local Area Modification Application may file a written request for reconsideration with the State Board within ten (10) calendar days from the date the parties are given written notification of the State Board's recommendation to the Governor regarding the request to modify an existing Local Area. The parties shall be deemed to have been given written notification five (5) days after a notice has been sent to their address of record.

1. The Chair shall appoint three (3) members of the State Board to act as a reconsideration committee. This committee shall consist of at least one member of the State Board representing the private sector, who shall act as chair of the committee.
2. The reconsideration committee shall review the entire record (i.e., complete application and any documents provided for consideration). The record will be limited to the record that was before the State Board, except where the committee finds relevant evidence which, in the exercise of reasonable diligence, could not have been produced or which was improperly excluded at the deliberation of the State Board. In such cases, the committee may admit such evidence to supplement the record and exercise its independent judgment upon all of the evidence in the record.
3. The committee will, in its independent judgment, provide the Secretary of Labor and Workforce Development and the State Board a written report, including a reversal of the State Board's prior recommendation, if appropriate, for the Governor's consideration. The report shall summarize the evidence, findings of fact, and final recommendation.
4. The reconsideration committee will timely notify all parties to the reconsideration of its decision in writing.

Forms Checklist and Cover Sheet

Please check the appropriate boxes below to indicate that these steps have been taken in developing the modification application, and that the required documentation is attached. Please have the “point of contact” sign and date the checklist.

- | | | |
|--------|--|--------------------------|
| Step 1 | Designate Point of Contact | <input type="checkbox"/> |
| Step 2 | Identify participating Counties/Cities/Local Areas in this modification request. | <input type="checkbox"/> |
| Step 3 | Narrative completed that addresses all modification considerations. | <input type="checkbox"/> |
| Step 4 | Local CEO(s) and/or Local Board Chair(s) signatures provided | <input type="checkbox"/> |
| Step 5 | Public comment process documented and results attached. | <input type="checkbox"/> |

Name of organization

Mailing Address

City, State

ZIP

Date application mailed_____

Point of Contact Signature_____

Narrative Instructions

This application is comprised of a series of steps that will assist you in developing and submitting your request for the modification of Local Area boundaries. The process involves coordination with all necessary local partners, including the CEOs for the Local Areas involved in the boundary change, in order to obtain support for, and in certain cases, signatures to the application.

It is not necessary to proceed in sequential order. All steps should be completed before submitting the application. The narrative and documentation are required so that the Governor can make an informed decision.

Please provide the original application and two photocopies of the full document. Please use narrative format when responding to the topics. Use the following guidelines when preparing your narrative:

- 1 ½ line paragraph spacing, using a 12 point standard business font.
- Include a CD or Disk of the full document, including electronic copies of supporting evidence or attachments, if available.

Please attach your completed Checklist as a cover page to your application. If the EDD determines the modification request package is incomplete, your request may be returned or held while necessary information is gathered. Please contact your EDD Regional Advisor for technical assistance and answers to questions related to completing and submitting this application.

Local Area Modification Narrative and Documentation Requirements

1. Point of Contact

The named person will be the point of contact for questions related to this modification request. Please provide the name of the person, title, mailing address, direct phone number, Fax number, and e-mail address.

2. Participating Local Areas and Local Boards

Please provide a list of the Local Areas and Local Boards participating in the modification application. In addition, please provide the names of any specific counties and/or cities within those service areas directly effected by the boundary change.

3. Local Area Modification considerations

(a) Describe the geographic modification to the designated Local Areas.

What is the exact boundary change? How does the boundary change effect the overall populations of the Local Areas involved?

(b) Describe the resources available in each of the Local Areas to administer WIA activities.

What training and services are available in each of the affected Local Areas? How does the boundary change influence existing partnerships and leveraged resources? Which One-Stop Career Centers will be effected by this change? How will the boundary change improve training and other services for the populations effected by the change?

(c) Describe how the boundary change will help a unit of general local government or combination of local governments produce a more comprehensive and integrated workforce development system.

What are the local economic development efforts within the area effected by the boundary change? What are the local private industry efforts that would create jobs or foster economic development? What are the local collaboration efforts that provide an opportunity for Local Board involvement in workforce development issues?

(d) Describe the geographic area served by local educational agencies and intermediate educational agencies within the modified boundaries.

Will there be an increase or decrease in the number of local education agencies?. What are the linkages with educational agencies responsible for services to participants, including youth, and how will they be effected by this change? Will the coordination of vocational services and intensive services (e.g., Adult Education and Literacy services) with educational agencies in the region change?

(e) Describe the geographic area served by postsecondary educational institutions and vocational education schools within the modified boundaries.

What are the linkages with postsecondary educational institutions responsible for training services to participants, including youth, and how will they be effected by this change? Will the coordination of vocational services and industry/sector focused programs with postsecondary educational institutions (i.e., community colleges) in the region change?

- (f) Identify the extent to which the service area effected by the boundary change is consistent with a local labor market.

Does the service area shift an existing labor market area? What are the commute patterns within the affected service area and how will they change? How will the change effect the unemployment rates for the modified service area?

- (g) Identify the maximum distances that individuals will need to travel to receive services within the proposed service area.

How will the boundary change improve accessibility for customers? Is transportation available for people with disabilities? What are the known commute patterns, reverse commute patterns, peak/non-peak patterns, and multi-transportation mode connecting schedules for persons dependent on public transportation. Is Internet access available in libraries or other public designated areas? What, if any, impact is there on local demand occupations, the ETPL training provider requirements, and individual ITAs?

- (h) Describe the degree of support and describe the nature of opposition, if any, to the changes being proposed.

What organizations support the boundary change? What organizations oppose the change? Why are they in disagreement with the proposed change?

In describing any opposition to the proposed modification, include your own response to that opposition. Be specific.

4. Documentation

Please provide the following documentation in support of your modification application and narrative:

- (a) Attach signature of the local CEO of each Local Area participating in the modification of boundaries. Please use the attached form for these signatures and use a separate signature page for each. Also provide local government resolutions if available.
- (b) Attach signatures of the Local Board chairs from Local Area participating in the modification of boundaries. Please use the attached form for these signatures and use a separate signature page for each. Also provide Local Board actions if available.

- (c) Attach local labor market, unemployment, population, and economic statistics and reports if available.
- (d) Attach documentation of the public comment processes from each Local Area participating in the boundary change. Local Boards should make the public comment processes as inclusive as possible and utilize as many avenues for public input as feasible.
 - Make copies of the modification plan available to the public through such means as public hearings, board meeting notifications, an internet site, and mailings to interested local parties.
 - Encourage Local Board members, local government, the public, and partners to submit comments on the modification plan either in writing or over the internet.
 - Provide a narrative describing the local public comment process.
 - Include transcripts of hearings and/or meetings that are intended to allow for public commentary regarding the modification of the existing Local Area(s). A summary of all written comments including any comments that represent disagreement with the plan must also be provided.

5. Mail the completed Modification Request package to the State Board offices at the address provided below.

California Workforce Investment Board
Attention: Executive Director
777 12th St., Suite 200
Sacramento, CA 95814

Local Area Modification Request

Signature Page

(This form should be reproduced as needed)

Each local Workforce Investment Board chair as well as the designated Chief Elected Official for the City(s)/County(s) involved in the Local Area Modification request should sign and date this form. Once the signatures are obtained, include the original signature page(s) in the modification request package.

Certification Statement

The signature of the following Local Workforce Investment Area representatives acknowledges that the signatory parties below are submitting a Local Area Modification Request.

It does not acknowledge there is full agreement on the modification request. If there is disagreement with the modification request, please attach all public comments received that indicate disagreement

Acknowledgement

Name of Local Workforce Investment Board submitting the Modification request:

(Typed)

Name (printed or typed)

Original Signature

Date

Signature of Chief Elected Official for the submitting LWIA:

County or City Title:

(Typed)

Name (printed or typed)

Original Signature

Date